

# EXHIBIT 2

## **DECLARATION OF JOHN J. AMMANN**

John J. Ammann declares as follows:

1. I am one of the Counsel for the four Plaintiffs in these matters that were consolidated for trial. I am submitting this declaration in connection with the Plaintiffs' Motion for Attorney Fees, and am including my time records with this declaration.

2. I am 63 years old and have practiced law for 38 years. I recently retired from my position as a supervisor in the Legal Clinic at Saint Louis University School of Law ("Clinic"), where I worked for 25 years. I am now Professor Emeritus. At the time of my retirement, I served as a full professor on the faculty and served as the McDonnell Professor of Justice in American Society, a chaired professorship. For 17 years I served as Director of the Legal Clinic. The Clinic has five full time attorney faculty members who supervise approximately 200 law students each year, and our Clinic handles hundreds of case per year. Prior to that time, from 1987 to 1994, I was a staff attorney with Land of Lincoln Legal Assistance Foundation in Illinois. From 1984 through 1987, I served as a law clerk first for the Missouri Court of Appeals-Eastern District, and then for the Illinois Court of Appeals-Southern District.

3. I graduated with my J.D. in 1984 from Saint Louis University School of Law in the top ten percent of my class. I am a member of the following bars: Missouri, Illinois, the Eighth Circuit Court of Appeals, United States District Courts for the Western District of Missouri, the Eastern District of Missouri, and the Southern District of Illinois.

4. I have more than 35 years of experience in the conduct of litigation, virtually all of it civil litigation on behalf of low-income persons. I have been co-counsel in numerous plaintiffs' civil rights cases in both federal and state court, many involving cases against the State of

Missouri and its Departments regarding public benefits, *i.e.*, Medicaid benefits for dental care, eyeglasses, and durable medical equipment; adult diapers for the disabled; home and community based Medicaid waivers; Blind Pension benefits; and adoption subsidies. A partial list of these cases is as follows:

*E.C. v. Sherman*, (also referred to as *Katz v. Sherman*) 2006 U.S. Dist. LEXIS 27506 (W.D. Mo. 2006) (adoption subsidy benefits)

*Fisher v. Rolling*, 142 S.W.3d 836 (Mo. App. E.D. 2004) (eyeglasses for Medicaid recipients).

*Gerken v. Sherman*, 276 S.W.3d 844 (Mo. App. W.D. 2009) (Blind Pension benefits)

*Hiltibran v. Levy*, 10-4185-CV-C-NKL, (W.D. Mo. 2011) (adult diapers for incontinent adults).

*J.E.M. v. Kinkade*, 2:160-cv-04273-SRB (W.D. 2016) (Medicaid coverage for persons with Hepatitis C)

*Lankford v. Sherman*, 451 F.3d 496 (8<sup>th</sup> Cir. 2006) (durable medical equipment for Medicaid recipients)

*Comas v. Schaefer*, 2:10-cv-04085 (W.D. Mo.)(increased mental health services for deaf Missourians.)

*McNeill Terry v. Rolling*, 142 S.W.3d 828 (Mo. App. E.D. 2004) (dental care for Medicaid recipients).

*Young v. Family Support Division*, 284 S.W.3d 583 (Mo banc 2009)(holding that the Missouri Department of Social Services must promulgate rules regarding adoption subsidies.)

5. These cases achieved significant statewide results for Missourians. Most cases involved injunctive relief only, but in one case, *Gerken v. Sherman*, the result was a \$21 million settlement with the State of Missouri to repay blind pensioners benefits they were owed. The attorney's fee amount for Plaintiffs' Counsel in that case was \$5,250,000, which was 25% of the common fund settlement.

11. I am familiar with the periodic studies by Missouri Lawyers Weekly of attorney fee rates in Missouri. The latest study is from November of 2021. That study is attached to the Suggestions in Support of the Motion as Exhibit 8. That study shows that in Kansas City, the median partner rate was \$490, with the highest rate for partners being \$790. For associates, the median rate was \$330, with the highest rate for associates being \$345. I am seeking the rate of a partner because of my 38 years of experience. I am seeking a rate of \$450 which is below the median partner rate in Kansas City.

12. I believe the hourly rates sought by my colleagues from the Law Clinic, and my colleague from the private firm, are reasonable as they are comparable with the rates charged by similarly experienced attorneys in Missouri.

13. We did not bill for initial document review, and we did not bill for the time of law students who worked on this case, which would amount to hundreds of hours. We also did not bill for more than two attorneys to attend any deposition.

14. The hourly rates for the attorneys in this case, and the number of hours expended, are fair and reasonable considering the result achieved, the vigorous defense by the Attorney General, the large number of documents which had to be reviewed, and the number of state employees we needed to depose.

15. My total fees are \$121,500, and my total expenses are \$2460.51. My fees and expenses are shown in Exhibit 1.



6. I was recently one of several counsel in the case of *M.B. v. Tidball*, 2:17-cv-4102-NKL in this Court, which involved allegations that foster children in the state were being over-medicated with psychotropic drugs. The case, which was a class action, was settled in 2020 with the Missouri Department of Social Services.


7. I have been previously involved in many other class actions, in both state and federal court, dealing with issues involving operation of municipal courts in St. Louis County. See, e.g., *Lampkin v. Jennings*, 14SL-CC04207 (settled); *Jenkins v. Jennings*, 4:15-cv-00252 (E.D. Mo.)(settled for \$4.75 million). I am also part of the legal team in the case of *Fant v. Ferguson*, 4:15-cv-00253 (E.D. Mo.), the major civil rights case advocating for systemic reform in Ferguson arising out of the shooting of Michael Brown.

8. The four lawyers involved here have recently successfully resolved three other cases where women have alleged sexual assault by a person who works in a prison.

9. Susan McGraugh and Brendan Roediger were my colleagues in the Legal Clinic at Saint Louis University. I know them to have a depth of legal experience and knowledge on a variety of matters, including the operation of prisons, the daily life of prisoners, and trauma. Jenifer Snow is one of my former students, and she has much experience in litigation.

10. This case involved six months of investigation, four years of litigation, significant litigation expenses including major expenses for experts and depositions, with no Plaintiff having the resources to pay for such litigation. As is its custom, the Attorney General's office devotes excellent attorneys and unlimited amounts of hours when it opposes lawsuits filed against the State or its employees. Multiple attorneys from the Office of the Attorney General represented the Defendant in this case, including the Chief Counsel for Litigation

I declare under penalty of perjury that the foregoing is true and correct. Executed on this  
the 11<sup>th</sup> day of May, 2022, in St. Louis, Missouri.

  
John J. Ammann

**TIME OF JOHN J. AMMANN  
CONSOLIDATED**

**2018**

1-18-18	Keil: Represent Keil during interview with investigator Bentley at SLU	2.8
4-23-18	Keil: Prepare demand letter to AG and to MHM	.5
4-25-18	Keil: Final edits to demand letter	.1
5-17-18	Keil: Email to Taulbee regarding Keil allegations	.1
5-20-18	Betz: Draft Betz complaint	3.1
5-29-18	Keil: Final edits to complaint	.8
5-29-18	Keil: File complaint	.0
5-29-18	Keil: Read MAP order on mediation	.1
5-30-18	Keil: Letter to AG Taulbee with summons waiver	.2
5-31-18	Betz: Edits to complaint	1.5
6-5-18	Betz: Complete Betz filing packet	.5
6-5-18	Betz: File Complaint	.0
6-5-18	Betz: Read MAP order, same as Keil	.0
6-5-18	Betz: Email Taulbee with complaint	.1
6-8-18	Betz: Call client to arrange meeting	.1
6-12-18	Betz: Drive to Chillicothe and back (7.6, allocate ½ to Betz)	3.8
6-12-18	Betz: Meet with client in Chillicothe Get additional facts, provide timeline for litigation	2.0
6-13-18	Betz: Letter to AG Taulbee with summons waiver	.2
6-27-18	Keil: Read Rule 16 notice	.1
7-2-18	Zieser: Final edit on complaint	.3
7-2-18	Zieser: File complaint	.0

7-2-18	Zieser: Email Taulbee with complaint	.1
7-2-18	Zieser: Read MAP order, same as Keil	.0
7-6-18	Keil: Call to T. Davis about knowledge of allegations	.2
7-17-18	Keil: Email Taulbee about Carsey asking to interview folks	.1
7-31-18	Keil: Read Bearden Answer and Affirmative Defenses	.2
7-31-18	Keil: Read Sturm Motion to Dismiss	.0
8-13-18	Betz: Read Bearden Answers and Affirm. Defenses	.2
8-13-18	Betz: Draft voluntary dismissal of portion of complaint re: Sturm	.0
8-14-18	Keil: Prepare joint proposed scheduling order	.5
8-20-18	Betz: Prepare initial disclosures	1.2
8-23-18	Betz: Final edits on disclosures	.2
8-23-18	Betz: Serve initial disclosures	.0
8-27-18	Keil: Read Scheduling Order	.1
9-7-18	Keil: Prepare Initial Disclosures	1.1
9-10-18	Keil: Read Bearden Initial disclosures	.2
9-10-18	Keil: Serve initial disclosures	.0
9-10-18	Zieser: Read Bearden Answer and Affirmative Defenses	.2
9-14-18	Keil: Read written discovery from Bearden to Keil	.2
9-14-18	Keil: Prepare letter, and send with discovery for her to Complete	.1
9-19-18	Keil: Revise proposed protective order	.1
9-30-18	Keil: Prepare answers to interrogatories	.5
10-1-18	Keil: Prepare answers to interrogatories and rfp's	2.1
10-15-18	Keil: Serve Keil responses to written discovery	.0
10-31-18	Keil: Prepare Notice of Deposition for Bearden	.1



11-5-18	Zieser: Prepare joint scheduling order proposal	.8
11-6-18	Keil: Redline protective order	.2
11-10-18	Zieser: Prepare initial disclosures	1.2
11-14-18	Zieser: edit initial disclosures	.2
11-15-18	Zieser: Serve initial disclosures	.0
11-15-18	Keil: Bearden Deposition, attend, in Kansas City	.0
11-16-18	Keil: Edit protective order from Taulbee	.2
11-16-18	Keil: Email to AG Taulbee with redline on protective order	.0
11-30-18	Keil: Email Taulbee about DOC representation	.1
12-8-18	Keil: Prepare DOC subpoena for prison records	.5
12-10-18	Keil: Edit DOC subpoena	.1
12-10-18	Keil Serve subpoena	.0
12-11-18	Keil: Read case materials for Funk v. Precythe	.2
12-11-18	Keil: Read amended scheduling order	.1
12-17-18	Keil: Email to MAP office regarding schedule	.1

## 2019

1-28-19	Keil: Call AG Bortnick about answers to DOC subpoena Agreed to certain limits	.2
2-3-19	Keil: Draft Joint Motion to Stay proceedings	.3
2-3-19	Betz: Draft Joint Motion to Stay proceedings.	.0
2-5-19	Keil: Email opposing Counsel on possible stay	.1
2-6-19	Keil: Complete Joint Motion to Stay Proceedings	.1
2-7-19	Keil: Joint Motion to Stay filed	.0
2-8-19	Keil: Read stay order	.0

2-12-19	Zieser: Email Taulbee about stay	.1
2-13-19	Zieser: File Joint Motion to Stay	.0
2-14-19	Cons: Email mediator about stay	.1
2-16-19	Betz: Email Taulbee with stay in Betz	.1
2-16-19	Betz: File Motion to Stay	.0
2-26-19	Betz: Read Stay Order	.0
4-24-19	Betz: Draft new Joint Motion to Stay	.1
4-24-19	Keil: Draft new Joint Motion to Stay	.1
4-25-19	Cons: All cases: Email Taulbee about stay till July 1	.1
6-24-19	Betz: Draft Joint Motion to Lift Stay	.2
6-24-19	Keil: Draft Joint Motion to Lift Stay	.1
6-25-19	All cases: Email draft motion to lift stay to AG's	.1
6-27-19	Betz: Read Order lifting stay	.0
7-2-19	Keil: Read order lifting stay	.0
7-3-19	Cons: Call with team about schedule	.5
7-17-19	Keil: Work with AG on new scheduling order	.2
7-26-19	Zieser: Draft scheduling order	.2
7-26-19	Zieser: Email Taulbee draft scheduling order	.1
7-27-19	Betz: Draft proposed scheduling order	.2
7-29-19	Betz: Email Taulbee draft scheduling order	.1
7-30-19	Betz: Read scheduling order	.0
7-30-19	Zieser: Read scheduling order	.0
8-6-19	Keil: Approve AG's protective order	.1
8-22-19	Betz: Complete initial disclosures	.3
8-23-19	Betz: Read initial disclosures by Bearden	.2

8-23-19	Betz: Email Taulbee with Betz initial disclosures	.1
8-29-19	Betz and Zieser: Email to MAP office re: plan for mediation	.1
9-13-19	Betz and Zieser: Emails without counsel re: mediation scheduling	.1
9-17-19	Betz and Zieser: Emails regarding mediation on November 26, KC	.1
9-25-19	Keil: Call with Dora on report on Keil	1.0
10-1-19	Keil: Call with Dr. Piasecki	.5
10-2-19	Keil: Prepare status report for Court	.1
10-13-19	Betz: Prepare subpoena for DOC records on Betz	.2
10-14-19	Keil: Prepare expert disclosures	.3
10-14-19	Betz: Email to AG Pennycuff with subpoena to DOC in Betz	.1
10-15-19	Keil: Serve expert disclosures	.0
10-28-19	Keil: Read DOC objections to DOC subpoena	.1
10-30-19	Keil: Prepare new status report, related to settlement with MHM	.1
11-4-19	Zieser: Prepare subpoena to DOC	.2
11-5-19	Zieser: Serve subpoena to DOC	.0
11-6-19	Cons: Email to AG's regarding access to DOC records	.1
11-21-19	Betz: Draft consent motion for more time on experts	.1
11-22-19	Betz and Zieser: Email to Taulbee on extension for experts	.0
11-23-19	Betz and Zieser: Email to Taulbee on scheduling Keil deposition	.0
11-23-19	Betz and Zieser: email to Taulbee with draft protective orders	.1
11-24-19	Keil: Email Taulbee to schedule Keil deposition	.1
11-25-19	Betz: Read amended scheduling order	.0
11-25-19	Zieser: Read amended scheduling order	.0
11-25-19	George: Research her convictions	.3
12-1-19	Betz: Prepare and file motion for protective order	.2

12-2-19	Keil: Email Taullbee re: Keil deposition schedule	.1
12-2-19	Keil: Call with client, re: deposition, discovery	.3
12-2-19	Zieser: Call client, re discussion with Dr. Schriro	.2
12-2-19	Zieser: Call with Schriro re: client conference	.1
12-2-19	Betz: Call with Schriro regarding her call with client	.2
12-2-19	Keil: Email to Taulbee re: deposition date	.0
12-2-19	Keil: Confirm Jan. 17 for depo with client	.0
12-2-19	Zieser: Call with Schriro re: client call, debrief	.4
12-3-19	Zieser: Email to clerk with protective order	.1
12-3-19	Zieser: File Joint Motion for Protective Order	.0
12-4-19	Keil: Email with Taulbee about Keil depo schedule	.1
12-6-19	Keil: Draft motion to dismiss and circulate	.2
12-6-19	Betz: Call with Schriro, review report	.5
12-6-19	Zieser: Call with Schriro review report	.5
12-6-19	Keil: Finish consent motion to dismiss MHM and Dunn	.1
12-8-19	Keil: File motion to dismiss MHM and Dunn	.1
12-10-19	Cons: Email to AG's about consolidation for discovery	.1
12-11-19	Zieser: Review expert reports and prepare for filing	.5
12-11-19	Betz: Review expert report and prepare filing	.3
12-11-19	Betz: Designation of experts prepared	.1
12-12-19	Zieser: Designation of experts prepared	.1
12-12-19	Zieser: File expert reports	.0
12-13-19	George: Research for pseudonym motion	1.3
12-14-19	George: Draft motion for pseudonym	.8
12-16-19	George: Edit motion on pseudonym	.5



12-16-19	George: File case	.0
12-16-19	George: File motion on pseudonym	.0
12-17-19	George: Read order granting use of pseudonym	.0
12-18-19	George: Emails with Taulbee and Pritchett re: use Of client's name. They agree to keep confidential	.1
12-20-19	Keil: Email to Taulbee, will he have experts. He says no.	.1
12-27-19	George: Prepare George summons waiver packets	.3
12-30-19	George: Email Taulbee with waivers of service	.1

## 2020

1-2-20	Cons: Research 8 <sup>th</sup> Circuit cases for motion to consolidate 4 cases for discovery	1.5
1-3-20	Betz: Emails to Pennycuff re: document production-DOC	.1
1-3-20	Zieser: Email to Pennycuff with protective order and request	.1
1-7-20	George: Discuss mediation with team, email defense attorneys about opting out of mediation	.1 .0
1-8-20	Cons: Draft motion to consolidate 4 cases for discovery	1.2
1-8-20	Cons: Email AG's re: motion to consolidate	.1
1-9-20	Keil: Joint Motion to Consolidate filed	.0
1-9-20	Betz: File Motion to Consolidate	.0
1-9-20	Zieser: File Motion to Consolidate	.0
1-9-20	Keil: Prepare motion to amend scheduling order	.2
1-9-20	Keil: Call client to tell her deposition for 1-17 is cancelled	.1
1-9-20	Cons: Email Taulbee about new scheduling orders	.1
1-16-20	George: Email to all counsel re: scheduling order Respond, make revisions	.1



1-18-20	Cons: Email Dr. Schriro documents	.1
1-21-20	Cons: Email to AG about production for subpoena	.0
1-22-20	Cons: Email Dr. Schriro documents	.1
1-24-20	Cons: Read Orders on consolidation	.1
1-27-20	Cons: Call judicial assistant about motion to consolidate She advised a ruling on two motions is coming	.1
1-3-20	Cons: Read 2 <sup>nd</sup> RFP from Taulbee	.1
2-6-20	George: Draft initial disclosures	.9
2-7-20	Keil: Read order consolidating for discovery	.1
2-9-20	George: edit Initial Disclosures	.1
2-9-20	George: Serve disclosures	.0
2-9-20	George: Prepare proposed scheduling order Send to opposing counsel	.3
2-9-20	Cons: Email AG Pennycuff with consolidation order	.1
2-12-20	George: File scheduling order in George	.0
2-14-20	George: Read new scheduling order	.1
2-17-20	Cons: Email to AG's re: deposition schedule	.1
2-27-20	Keil: Call with client about deposition scheduling, health status	.3
2-27-20	Keil: Email opposing counsel with proposed dates for Keil depo	.0
2-28-20	Keil: Compile documents used by experts, find communications With experts	1.5
2-28-20	George: Read Bearden Answer in George	.2
2-28-20	George: Read Bearden initial disclosures	.2
3-2-20	Keil: Organize documents to respond to production	.8
3-2-20	Keil: Prepare response to RFP	.2

3-4-20	Keil: Collect communications with Schriro, send to Nic	.3
3-12-20	George: Review and file voluntary dismissal	.0
3-13-20	George: Call clerk to revise docket entry	.0
4-10-20	Keil: Email to Taulbee re: Keil medical release	.1
4-20-21	Cons: Read Email from Paul Brown re: settlement offer	.1
4-21-20	George: Draft DOC subpoena	.2
4-22-20	George: Edit subpoena to DOC	.1
5-6-20	Cons: Email Taulbee about witnesses we can produce	.1
5-14-20	Keil: Received release. Send release from client to Taulbee	.1
6-16-20	George: Review discovery	.5
6-16-20	George: Email with experts	.1
6-18-20	George: Call with Dr. Schriro	.3
6-19-20	Cons: Read 3 <sup>rd</sup> scheduling order	.0
6-22-20	Keil: Call with K. Gipson re: Keil and state proceedings	.3
7-22-20	Keil: Email Nic about Keil medical records	.1
7-28-20	George: Draft responses to written discovery	.5
7-31-20	George: Prepare motion for extension on experts	.2
7-31-20	George: Call with client to prepare discovery responses	1.1
7-31-20	George: Prepare answers to discovery	.5
8-1-20	George: Prepare response to RFP	.5
8-1-20	George: Email discovery responses to client to review	.0
8-1-20	George: call with client, go over more answers	.9
8-1-20	George: Prepare additional answers from client infor	.5

8-3-20	George: Edit responses to RFP	.6
8-3-20	George: Finish preparing responses to discovery	2.2
8-3-20	George: Serve Taulbee with discovery responses	.0
8-5-20	George: Call w/ Dr. Schriro	.5
8-7-20	George: Call with Dr. Piasecki to arrange call with client	.2
8-13-20	George: Call with Dr. Schriro regarding her report	.3
8-23-20	Cons: Prepare consolidated interrogatories to Bearden	.5
8-28-20	George: Review Dr. Piasecki report	.2
8-28-20	George: Review Dr. Schriro report	.5
8-28-20	George: Call with Dr. Schriro about report	.4
8-30-20	George: Prepare designation of experts	.3
8-31-20	George: Complete designation, serve, do COS	.2
9-1-20	Consolidated: Finish written discovery for Bearden	1.1
9-8-20	Keil: Prepare search terms and send to Taulbee	.1
9-10-20	George: Prepare interrogatories and rfp to Bearden	.3
9-10-20	Cons: Email AG's regarding deposition scheduling	.1
9-14-20	Keil: Download and review client emails to produce	1.1
10-1-20	Consolidated: Read Bearden's responses to written discovery	.7
10-1-20	Cons: Serve AG's with Keil emails	.1
10-4-20	Consolidated: Read Bearden documents	.8
12-21-20	Consolidated: Draft motion to continue	.5
12-21-20	Cons: Phone conf. with Nic Taulbee re: scheduling orders	.1
12-21-20	George: Draft motion to continue	.2

	Send to Taulbee	
12-28-20	Cons: Read order denying continuance	.0
12-29-20	Cons: Email AG's on setting up depositions	.1
12-30-20	George: Draft new motion to continue	.1
12-30-20	Consolidated: Draft new motion to continue	.2

## 2021

1-4-21	Cons: Email to AG's with proposed deposition dates	.1
1-5-21	George: Read order with new scheduling on experts	.0
1-12-21	Cons: Received email from Taulbee with schedule for depositions.	.0
1-15-21	George: Review Subpoenas from AG employers	.1
1-15-21	George: Contact Taulbee about use of George's name, he agrees to amend to remove	.1
1-18-21	George: Draft stipulated dismissal of three counts	.0
1-19-21	George: Prepare Dismissal 3 counts	.0
1-20-21	Keil: Client called, provided update on deposition schedule	.4
1-20-21	George: Read AG subpoena to employers	.1
1-21-21	Cons: Call with Judy Henderson about deposition	.4
1-21-21	Cons: Call T. Davis about depo, try 2-18	.3
1-21-21	Cons: Email to Taulbee with date of 2-18 for depo	.0
1-23-21	Cons: Review production by DOC	.7
1-24-21	Cons: Review production by DOC	.8
1-26-21	Cons: Read discovery from DOC	2.1
1-27-21	Cons: Prepare and Depo Notice for Carsey	.1

1-27-21	Cons: Serve and file depo notice for Carsey	.0
1-27-21	Cons: Read discovery from DOC	2.5
1-27-21	George: Prepare and serve Depo notice for Carsey	.1
1-28-21	Conf. call with co-counsel on all cases	.6
1-28-21	Cons: Team meeting on planning for depositions	1.0
2-1-21	Cons: Read discovery from DOC	1.8
2-1-21	Cons: Email AG's about new docs from DOC	.,1
2-1-21	Cons: Prepare and review exhibits for depositions	2.5
2-2-21	Cons: Send exhibits for depositions to AG	.2
2-2-21	Cons: Prepare notice of deposition for York	.1
2-2-21	Cons: Prepare notice of deposition for Pfeifer	.1
2-2-21	Cons: Read discovery from DOC and organize	2.5
2-3-21	Cons: Read discovery documents DOC and organize	3.0
2-3-21	Cons: Prepare for Carsey deposition, review Documents	.9
2-4-21	Cons: Deposition of Carsey by JJA	3.1
2-10-21	Cons: Second chair York deposition	2.3
2-10-21	Cons: Conduct deposition of Pfeifer	2.5
2-14-21	Cons: Call with Henderson about depo	.5
2-15-21	Cons: Deposition of Davis, defend	,9
2-15-21	Cons: Letter to Davis re deposition	.1
2-16-21	Keil: Email to client with updates	.1
2-18-21	Cons: Emails with AG about depo schedule	.1
2-18-21	Betz: Call with Client	.3



2-21-21	Cons: Email to Taulbee with correction to exhibit label	.0
2-21-21	Keil: Call with client to discuss status, trial schedule, Discovery	.6
2-21-21	George: Prepare responses to second request to Produce	.5
2-22-21	Cons: Email to AG's with correction on disclosures re: Davis	.1
2-22-21	Cons: Draft deposition notices, Sturm, Bentley, McBee, Hurly	.1
2-22-21	Cons: File and serve depo notices	.0
2-23-21	Cons: Phone call with T. Davis regarding her depo	.3
2-23-21	Cons: Call with Henderson re: her deposition	.7
2-23-21	Cons: Draft discovery responses on experts	1.5
2-24-21	Cons: Serve discovery response on experts	.0
2-25-21	Cons: Deposition of Henderson, defend	1.5
3-2-21	Cons: Email to Nic about extension for experts	.0
3-2-21	George: Prepare Midgyett deposition notice and file	.1
3-3-21	Cons: Email to AG's regarding Schriro and Betz schedule/depos	.1
3-4-21	Cons: Email to AG's regarding Piasecki schedule for expert dep	.0
3-5-21	Cons: Confirmed with Piasecki for 4-16 Dep.	.1
3-5-21	Cons: Email AG's with Piasecki date, time, and rate	.1
3-8-21	Cons: Email AG with Keil deposition availability	.0
3-8-21	Cons: Email AG with Zieser dates for deposition	.0
3-10-21	Cons: Email to team with plan for deposition schedule	.2
3-11-21	Cons: Prepare Dep. notice for Bearden	.1
3-11-21	George: Prepare notice for Bearden	.1

3-11-21	Cons: Prepare notice of deposition for Bearden	.1
3-12-21	Cons: Research regarding Crystal Logan as witness	.1
3-15-21	Cons: Discuss supplemental disclosures with Snow	.1
	Edit disclosure supplement	.1
3-15-21	Cons: Prepare for Sturm deposition	.8
3-16-21	Cons: Sturm deposition, JA conducts	2.8
3-16-21	Cons: Second Chair BR Bentley Deposition	1.8
3-17-21	Cons: Prepare for McBee deposition	.6
3-18-21	Cons: Take deposition of Warden McBee	2.8
3-25-21	George: Attend depo of Midgyett, waited but he didn't show	.2
3-25-21	Cons: Email from Taulbee about adding affirmative defense	.1
3-25-21	Cons: Discussed above with team. Answer is no	.3
3-26-21	George: Prepare amended notice for Midgyett	.1
4-1-21	Cons: Prepare supplement to initial disclosures	.5
4-1-21	Cons: Serve supplemental initial disclosures	.0
4-6-21	Cons: Prepare for Bearden deposition, review exhibits, Read first Bearden deposition	2.1
4-7-21	Cons: Conference with AG's about scheduling	.3
4-7-21	Cons: Do Bearden deposition	2.2
4-8-21	Cons: Second chair Midgyett deposition	.9
4-12-21	Cons: Email AG's re: Piasecki start time	.0
4-13-21	Cons: Read 4 <sup>th</sup> scheduling order	.0
4-15-21	Cons: Read email from AG Bucheit on scheduling Precythe	.1
4-15-21	Cons: Conf call with Dr. Piasecki re: deposition	.6

4-16-21	Cons: Email AG updated list of testimony from Piasecki	.0
4-16-21	Cons: Dr. Piasecki deposition,by Zoom, JJA defend	4.6
4-16-21	Cons: Confer with opposing counsel on scheduling	.3
4-27-21	George: Attend depo of Client (3.2 hours)	.0
5-14-21	Cons: Call with Snow and Roediger re: upcoming Depositions, discovery	.2
6-15-21	Cons: Call with team, go over upcoming dates Discuss strategy	.6
6-21-21	Cons: Email to AG's with upates, Piasecki bill and Deposition scheduling	.1
6-26-21	Cons: Prepare Second Supplemental Initial Disc.	.2
6-27-21	Cons: Serve Second Supplemental Initial Disc.	.0
7-6-21	Cons: Call Nic regarding phone call (George)	.1
7-6-21	Cons: Email AG's regarding depo scheduling	.1
7-7-21	Cons: Emails with AG to set up Keil depo Will be 7-20 at 9 a.m.	.1
7-7-21	George: Call with Nic about TG call with Bearden	.1
7-7-21	George: Prepare Notice and serve subpoena for phone Recordings	.3
7-8-21	Cons: Email to AG's regarding Betz and Zieser scheduling	.0
7-9-21	George: Email to AG Pennycuff on phone calls	.1
7-9-21	Cons: Prepare subpoena to DOC phone records	.3
7-9-21	Cons: Email to AG Pennycuff, subpoena for Bearden's calls	.2
7-14-21	Conf call with team about settlement offers AG says \$___ k on the table	.5

7-15-21	Keil: Call client to prep for deposition	.8
7-16-21	Cons: Prepare Third Supplemental Initials	.1
7-16-21	Cons: Serve Third Supplemental Initials	.0
7-20-21	Keil: Depo of client, JJA defends	4.8
7-20-21	Keil: Call client to debrief	.2
7-27-21	Zieser: Meet with client at Clinic, prepare for deposition	1.5
7-27-21	Cons: Email AG's that Betz is in hospital, can't attend depo.	.1
7-28-21	Zieser: Meet with client, finish prep for deposition	.5
7-28-21	Zieser: Defend client deposition	2.8
7-28-21	Cons:: Prepare supplement to initial disclosures	.1
7-28-21	George: Prepare supplement to initial disclosures	.1
7-28-21	George: Prepare subpoena to DOC on phone calls	.3
7-29-21	George: Serve subpoena to DOC on phone calls	.0
7-29-21	Cons: Call with Snow about supplementing disclosures And state responses to our discovery not in yet	.5
7-29-21	Cons: Complete fourth initial disclosures	.2
7-30-21	Cons: Serve Fourth Supplemental Initials	.0
8-6-21	George: Review call logs, listen to calls	1.0
8-10-21	George: Call with Snow and Roediger about calls	.5
8-10-21	George: Call with client, listen to calls together, discuss	.3
8-11-21	George: Email to Pennycuff about calls	.1
8-13-21	Zieser: Read AG Motion to exclude expert opinions	.1
8-13-21	Betz: Read AG Motion to Exclude Experts	.0
8-19-21	Cons: Email to AG's about mediation for all 5	.0



8-19-21	Betz: Email to AG's to schedule client depo	.0
8-20-21	Cons: Multiple emails regarding scheduling Betz depo.	.2
8-26-21	Conf. call with Laurel, mediator Mediation Sept. 7 at 2:30	.4
8-31-21	Cons: Read AG reply on excluding experts	.1
9-8-21	Cons: Call with Laurel, mediation AG won't go above \$	.3
9-8-21	Cons: Call with team about summary jury trial	.5
9-15-21	Cons: Attend Betz deposition	.0
9-24-21	Cons: Draft motion to consolidate for trial	.7
9-27-21	Cons: Final edits to motion, email to AG's	.1
9-29-21	Keil: Read and review order on experts	.1
10-8-21	Cons: Research for memo on consolidation	.5
10-9-21	Cons: Draft suggestions on consolidation	.6
10-10-21	Cons: Finish drafting suggestions, send to team	1.0
10-12-21	Cons: File Motion to consolidate for trial	.0
10-26-21	Cons: Read AG opposition to consolidation	.1
10-27-21	George: Read order on expert exclusion	.2
10-27-21	Cons: Waive reply suggestions on consolidation	.0
11-17-21	Cons: Read order on consolidation and related orders	.1
11-17-21	Cons: Call with team to discuss mediation order	.4
11-22-21	Betz and Zieser: Read order on experts	.1
12-22-21	Cons: Team meeting to plan for trial	2.0
12-27-21	Cons: Work on deposition designations	1.5
12-27-21	Cons: Compile criminal records of plaintiffs for MIL	.5



12-28-21	Cons: Review more depositions for designations	1.0
12-28-21	Cons: Read and edit JS motions in limine	.4
12-29-21	Cons: Complete and file deposition designations	.3
12-30-21	Cons: edit motions in limine	.2
12-30-21	Cons: Prepare proposed stipulations	.3

## 2022

1-2-22	Cons: Prepare proposed jury selection questions	.5
1-4-22	Cons: Add to jury questions, send to team	.1
1-4-22	Cons: Read writ filed by AG	.1
1-4-22	Cons: Call with Taulbee about writ and designations	.1
1-4-22	Cons: Draft proposed stipulations	.5
1-5-22	Cons: Email from Taulbee about designations	.1
1-5-22	Cons: Research disclosure cases re: Gasca issue	1.5
1-5-22	Cons: Prepare motion and memo to exclude Gasca	2.9
1-6-22	Cons: Prepare witness list for trial	.5
1-6-22	Cons: Finish suggestions to exclude Gasca	.9
1-7-22	Cons: Call Nic to say no depo designations	.1
1-7-22	Cons: Prepare notice of withdrawal of depo designations	.1
1-7-22	Cons: Read AG Motions in Limine	.1
1-7-22	Cons: Read AG opposition on Gasca	.1
1-8-22	Cons: Research for reply regarding Gasca	1.4
1-8-22	Cons: Research issue of Rule 16 and impeachment	.5

1-8-22	Cons: Call with Roediger about Gasas issue	.4
1-8-22	Cons: Research and add new cases to Gasas reply on Impeachment issue	.3
1-9-22	Cons: Prepare short version of witness list	.1
1-9-22	Cons: Revise withdrawal of depo design.	.0
1-9-22	Cons: Trial brief preparation	.2
1-9-22	Cons: Withdraw deposition designations	.0
1-10-22	Cons: Review and comment on response to MIL's	.3
1-11-22	Cons: Draft and email 415 notice to Defense	.2
1-11-22	Cons: Review files for exhibits and trial prep	1.0
1-11-22	Cons: Email from Snow on exhibit list thoughts	.0
1-11-22	Cons: Prepare Rule 415 notice to send to AG	.3
1-12-22	Cons: Revise exhibit list	.5
1-12-22	Cons: Confer with team to revise exhibit list	.6
1-13-22	Cons: Review AG exhibit list, check various	.7
1-13-22	Cons: Research exhibits, revise exhibit list	.4
1-13-22	Cons: Jury questions, combine general with specific, edit	.7
1-13-22	Cons: File witness and exhibit lists	.0
1-14-22	Cons: confer with BR and JS on exclusion of witnesses	.4
1-14-22	Cons: Pare down stipulations, send to Taulbee	.1
1-15-22	Cons: Research on exclusion of DOC witnesses	.8
1-15-22	Cons: Draft Motion and suggestions to exclude DOC witnesses	1.3

1-16-22	Cons: Research on Def. MIL	.5
1-16-22	Cons: Review Def. Exhibits, Bearden personnel file	.5
1-17-22	Cons: Call with team about exhibit objections/ MIL's	.5
1-17-22	Cons: Research and edit MIL response	.2
1-17-22	Cons: Complete suggestions on excluding DOC Witnesses	2.0
1-18-22	Cons: Prep for pretrial conference	.3
1-18-22	Cons: Draft exhibit stipulations	1.0
1-18-22	Cons: Finalize exhibit materials	.2
1-18-22	Cons: Edit suggestions on exclusion of DOC witnesses	.5
1-18-22	Cons: File Motion to Exclude DOC witnesses	.0
1-19-22	Cons: Read AG suggestions opposing exclusion	.1
1-19-22	Cons: Call with AG Taulbee on exhibit stips	.1
1-19-22	Cons: Meet with team to prep for pretrial conference	1.5
1-20-22	Cons: Prepare argument on exclusion	.5
1-20-22	Cons: Email Judicial Asst. re: courtroom AV	.1
1-21-22	Cons: Drive to KC and back	8.0
	Pretrial conference with judge	1.0
	JJA argued motion to exclude	
	Meet with IT staff	.5
1-22-22	Cons: Email to experts about trial date	.1
1-22-22	Cons: Review chronological logs for Bearden	.5
1-22-22	Cons: Review chronological logs for Bearden	.8
1-23-22	Cons: Review chronological logs, organize chart	1.3

1-24-22	Cons: Read order excluding Gasa	.1
1-24-22	Cons: Analyze chronological logs	.5
1-24-22	Cons: Call Dr. Schriro regarding interpreting logs	.5
1-24-22	Cons: Analyze chronological logs 2015-2016	3.5
1-26-22	Cons: Communications regarding resetting trial	.5
1-27-22	Cons: Received notice of trial	.0
2-1-22	Cons: Letter to offender M. Thompson re: knowledge of Bearden	.1
2-3-22	Cons: Call with Keil to review witnesses/exhibits	1.1
2-4-22	Cons: Call with Roediger on witness summaries, exhibits	.2
2-22-22	Cons: Call with Keil about Gilgour knowledge	.2
2-24-22	Betz: Call with Gipson about Betz cases	.2
2-28-22	Cons: Call with Karen Keil regarding witnesses Gilgour and Davis	.4
3-3-22	Cons: Prepare letter to Gigour	.2
3-11-22	Cons: Read summaries from AG on DOC witnesses	.1
4-4-22	Cons: Prepare outlines of clients' testimony for opening	2.0
4-11-22	Cons: Prepare outlines of clients' testimony for opening	1.0
4-12-22	Cons: Prepare outline for George direct	.5
4-12-22	Cons: Review prison maps	.2
4-14-22	Cons: Prep exhibit binders	.5
4-14-22	Cons: Prepare Bearden job charts	1.2



4-15-22	Cons: Prepare exhibit binders, go over Def. exhibits	1.8
4-15-22	Cons: Review Def. exhibits	.5
4-15-22	Cons: Call with Snow re: use of job charts	.5
4-17-22	Cons: Review Def. exhibits	.5
4-17-22	Cons: Prepare Bearden 2017-2018 job charts	3.0
4-18-22	Cons: Prepare Keil for trial	2.8
4-18-22	Cons: Prepare outlines of clients' testimony for opening	2.5
4-19-22	Cons: Prepare Keil for trial	1.8
4-19-22	Cons: Re-Listen to phone calls to Bearden	.2
4-20-22	Cons: Review prison maps Look for cameras	.2
4-20-22	Cons: Prepare with Dr. Schriro for trial	1.5
4-22-22	Cons: Email AG's about Ex. 12 amendment	.1
4-23-22	Cons: Finish preparation with Dr. Schriro	.6
4-23-22	Cons: Drive to KC for trial	4.0
4-24-22	Cons: Meet with Keil to prepare for trial	1.5
4-25-22	Cons: Trial, jury selection, open, witnesses 8:37 to 4:45 (hour for lunch)	7.1
4-26-22	Cons: Trial, 8:35 to 5:07 (hour for lunch)	7.5
4-26-22	Cons: Meet with expert Schriro to prepare for testimony	1.3
4-27-22	Cons: Prepare for McBee cross, review deposition Review exhibits	1.3
4-27-22	Cons: Trial 8:45 to 5:03 (hour for lunch)	7.3

4-28-22	Cons: Trial 8:41-3:52 (hour for lunch)	6.2
4-29-22	Cons: Drive Home from KC	4.0
5-3-22	Cons: Draft Fee declaration	1.1
5-6-22	Cons: Research suggestions on attorney fees	2.5
5-8-22	Cons: Draft suggestions on attorney fees	4.1
5-11-22	Cons: Edits to motion, suggestions, declaration	1.1

**Total hours 270 X rate of \$450 = \$121,500**